

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
PETER LEE)
)
vs.)
)
COMMONWEALTH EDISON COMPANY,)
) No. 07-0524
Complaint as to billing/charges)
in Chicago, Illinois.)

Chicago, Illinois
May 15th, 2008

Met pursuant to notice at 10:00 a.m.

BEFORE :

MS. LESLIE HAYNES, Administrative Law Judge.

APPEARANCES :

MR. PETER LEE
709 North Cicero Avenue, Unit 2
Chicago, Illinois 60644
appearing pro se.

MR. MARK L. GOLDSTEIN
108 Wilmot Road, Suite 330
Deerfield, Illinois 60015,
Appearing for Commonwealth Edison.

SULLIVAN REPORTING COMPANY, by
Barbara A. Perkovich, CSR

1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>			
2	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>			
3	P. Lee		103						
4	G. Gallapo	111	132			128			
5			137			135			
6									
7									
8									
9		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>	<u>T</u>	<u>S</u>
10	<u>Number</u>	<u>For Identification</u>					<u>In Evidence</u>		
11	Comp. No. 1	86					127		
12	Comp. No. 2	101					127		
13	Comp. No. 3	110					127		
14	Com Ed's No. A	110					126		
15	Com Ed's No. B1	110					126		
16	Com Ed's No. B2	110					126		
17	Com Ed's No. C1								
18	through C11	110					126		
19									
20									
21									
22									

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 07-0524. This is the complaint of Mr. Peter Lee
4 versus Commonwealth Edison Company.

5 May I have your name and address for the
6 record, Mr. Lee.

7 MR. PETER LEE: My name is Peter Lee. I live at
8 709 North Cicero, Chicago, Illinois, Apartment 2.

9 MR. GOLDSTEIN: On behalf of Commonwealth Edison
10 Company, Mark L. Goldstein, 108 Wilmot Road, Suite
11 330, Deerfield, Illinois 60015. My telephone
12 number is (847) 580-5480.

13 I have with me today John Perise of Com
14 Ed, as well as the witness for today Gaye Gallapo
15 of Com Ed.

16 JUDGE HAYNES: Mr. Lee, today we're going to have
17 the evidentiary hearing and so you are going to go
18 first, as the complainant. And are you -- could
19 you state for the record the person -- the name of
20 the person you have with you?

21 MR. PETER LEE: Ms. Donna Blakely, my legal
22 advisor.

1 MS. DONNA BLAKELY: 5405 South Aberdeen, Chicago,
2 Illinois.

3 JUDGE HAYNES: And are you going to be
4 testifying -- is Ms. Blakely going to be testifying
5 today or is she just here to help you.

6 MR. PETER LEE: She is not only my legal advisor,
7 she is my financial advisor. She is the one that
8 pays the checks, she the one that make sure the
9 bills are paid. She pays my rent. She is well
10 known to the people that I deal with.

11 JUDGE HAYNES: So she is going to be testifying
12 today?

13 MR. PETER LEE: She will, of course.

14 JUDGE HAYNES: So you are going to go first today
15 presenting all your evidence.

16 MR. PETER LEE: Can I ask one question? Why
17 can't they go first and let them prove why they
18 took my money?

19 JUDGE HAYNES: As the complainant, it's your
20 responsibility to show what you have and put all
21 your evidence on first and then they go after you,
22 that's just how it works. As the complainant you

1 go first.

2 MR. PETER LEE: Okay.

3 JUDGE HAYNES: So since both of you will be
4 testifying today, I am going to go ahead and swear
5 you in. Could you both raise your right hand.

6 (Witnesses sworn.)

7 JUDGE HAYNES: Go ahead with what you want to do.

8 MR. PETER LEE: First of all, this has been an
9 ongoing issue. I don't know whether you have the
10 evidence that was giving to Judge Riley, the judge
11 before you, I don't know what you have or what you
12 do not have.

13 JUDGE HAYNES: I have your complaint.

14 MR. PETER LEE: You do not have this?

15 JUDGE HAYNES: Not that I'm aware of.

16 MR. PETER LEE: Last hearing I had, I gave the
17 attorney a copy of this and they refused it, but me
18 and the judge had a copy. So I would give you
19 this.

20 This is what they gave me at the last
21 hearing. This is not even a legal document, it's
22 not recognized nowhere. Com Ed said I owe them

1 180-some dollars for a past year bill because they
2 are underestimating my bill, because they were
3 under billing me.

4 Now, if they can't prove to me today
5 that they can go back a year and say that they were
6 under billing me and I'm still getting estimated
7 bills as of today, all of my bills say estimated.
8 This came about because I requested an accurate
9 bill.

10 JUDGE HAYNES: Before we go any farther.
11 Mr. Goldstein, do you have a copy of this group of
12 documents?

13 MR. GOLDSTEIN: Yes, I do, Judge. That was
14 provided to Mr. Lee at the last hearing -- to the
15 judge at the last hearing, as well as to you,
16 Mr. Lee. I believe --

17 JUDGE HAYNES: Mr. Goldstein -- oh, you do.

18 MR. GOLDSTEIN: I believe that we have updated
19 the information for the purposes of this hearing.

20 JUDGE HAYNES: Do you have another copy of
21 these, because we have to give a copy to the court
22 reporter --

1 MR. PETER LEE: Like I said, he said he refused
2 it. You going to accept it this time?

3 MR. GOLDSTEIN: I don't have any idea what you're
4 talking about Mr. Lee and neither do you.

5 JUDGE HAYNES: That doesn't have any bearing on
6 this document.

7 MR. PETER LEE: Yes, it do.

8 JUDGE HAYNES: We are going to mark this as
9 Complainant's Exhibit --

10 (Whereupon, Complainant's
11 Exhibit No. 1 was
12 marked for identification
13 as of this date.)

14 JUDGE HAYNES: Go ahead. And what do these
15 documents show?

16 MR. PETER LEE: These documents show that what
17 they tried to do to me is deceptive practice. They
18 not only showed that I paid my bills on time, that
19 I'm not behind in my bills, because all of these,
20 every last one of these bills have a receipt on the
21 side stating that I paid them.

22 Now, how can you go back and say -- how

1 can they go back and say I owed them for a year and
2 all my bills been paid and I'm still getting
3 estimated bills as of today? If you go back a year
4 and say that I owed you some money because I asked
5 for an accurate bill, why am I still getting
6 estimated bills? Like this bill, right here, this
7 bill right here, this is the new one, estimated
8 bill and this has been going on quite some time.

9 JUDGE HAYNES: Do you have a copy of this or --

10 MR. PETER LEE: This is an original bill.

11 JUDGE HAYNES: Do you have copies of it?

12 MR. PETER LEE: No, I do not. All my bills are
13 estimated even after I put the complaint to the
14 Illinois Commerce, they still estimated my bills.

15 JUDGE HAYNES: So where is the meter?

16 MR. PETER LEE: Inside the apartment building.

17 JUDGE HAYNES: Who has access to the meter?

18 MR. PETER LEE: Who has access to the meter?
19 Anybody who wants to.

20 JUDGE HAYNES: So the building is unlocked, is it
21 inside?

22 MR. PETER LEE: First of all, first of all, I

1 understand what you're saying, but let me tell you
2 something. I use to let Com Ed in to read my meter
3 and I was still getting estimated bills. I got
4 tired of that, I was letting them in, this is
5 documented, I was letting them in to read the
6 meter, until they told me I owed them 180-some
7 dollars for a back bill, for under paid bills,
8 under paid bills, which is not accurate. After
9 that I chose not to let them in my house no more,
10 because I had a case pending.

11 JUDGE HAYNES: So when was the last time that you
12 let them into your house?

13 MR. PETER LEE: October last year. But as you
14 can see, these bills are still estimated.

15 JUDGE HAYNES: Let me look at these. So this last
16 thing that is attached --

17 MR. PETER LEE: But she can explain it better
18 than I can. She not only my legal advisor, she is
19 my financial advisor. She can explain it better
20 than I can. She's the one that pays the bill, she
21 do this. So what are you referring to?

22 JUDGE HAYNES: The last three pages of what

1 you've given me.

2 MR. PETER LEE: The last bill when?

3 JUDGE HAYNES: I don't know if it's a bill, it

4 seems to be -- I guess it is a bill.

5 MR. PETER LEE: What are you looking at?

6 JUDGE HAYNES: The last three pages.

7 MR. PETER LEE: What about it?

8 JUDGE HAYNES: Ms. Blakely is dying to explain

9 here.

10 MS. DONNA BLAKELY: That's what they sent him

11 each month by month. They went back month by month

12 and said that he owed that amount month by month,

13 instead of after he had paid his bills, the other

14 one is where he had paid the bill off and then they

15 sent that and said month by month he owed that

16 amount. And so it was a difference of month by

17 month what he owed them. And our thing was, how

18 can they go back and say, well, in January he owed

19 them this and in February he owed them that and in

20 March he owed them that. And then saying they

21 didn't read any meters.

22 JUDGE HAYNES: So back to your meter, it's inside

1 your building and you used to let them in until --

2 MS. DONNA BLAKELY: Until that came about where
3 they --

4 MR. PETER LEE: When I asked for an accurate
5 bill. All this came about between September,
6 October of last year when I requested an accurate
7 bill.

8 JUDGE HAYNES: Do you own this building or you
9 are a tenant?

10 MR. PETER LEE: I'm a tenant.

11 JUDGE HAYNES: And are the meters in the
12 basement?

13 MR. PETER LEE: No harm, your Honor, this is not
14 about the meter, it's about the amount I owe.
15 Either they are estimated bills or they're not.

16 JUDGE HAYNES: And I agree.

17 MR. PETER LEE: I don't see where the meter at.
18 They didn't charge me for not letting them in
19 reading the meter, I just don't get this. They
20 don't care where the meter is at.

21 JUDGE HAYNES: I do. I do. So in order to read
22 your meter you have to let them in the building or

1 can other people let them in the building.

2 MR. PETER LEE: Other people live in the

3 building, too.

4 JUDGE HAYNES: How many apartments are there?

5 MR. PETER LEE: It's three floors, three flat.

6 JUDGE HAYNES: Does the owner live there or is it

7 all tenants? Does the landlord live there?

8 MR. PETER LEE: No, three tenants. The landlord

9 does not stay in the building.

10 JUDGE HAYNES: And does the landlord ever let --

11 MR. PETER LEE: I don't know what the landlord

12 do, I know the tenants do. They've got access --

13 if you want to know, yes, they do.

14 JUDGE HAYNES: But they have -- someone has to

15 let them in the building.

16 MR. PETER LEE: They've got access to the

17 building.

18 JUDGE HAYNES: You mean Com Ed has access to the

19 building?

20 MR. PETER LEE: Com Ed, the gas company, whoever,

21 we don't have a problem with the gas company. Com

22 Ed trying to get some money because they've been

1 sued by everybody. That's how they come up with
2 this deceptive practice stuff, because they are
3 trying to stick poor people up to pay the bill they
4 got sued for. You asked me whether they with get
5 in, yes, they can. Have they been in, yes, they
6 have.

7 JUDGE HAYNES: But it's inside the building,
8 right?

9 MR. PETER LEE: What about inside the building?

10 JUDGE HAYNES: Is the meter inside the building?

11 MR. PETER LEE: Yes, it is.

12 JUDGE HAYNES: And it's locked, the house is
13 locked, they can't just walk in?

14 MR. PETER LEE: Didn't you just ask me did they
15 have access to the building and I said yes?

16 JUDGE HAYNES: If somebody let's them in.

17 MR. PETER LEE: They've got access to the
18 building.

19 JUDGE HAYNES: And so what we have your -- you've
20 presented me here with your bills from January
21 through September and you have all the receipts of
22 what you've paid, right?

1 MR. PETER LEE: Yeah. As you can see, the
2 receipt is on the side of the bill, that's
3 accurate.

4 JUDGE HAYNES: This receipt, you've paid this at
5 where they take payments in person, right?

6 MS. DONNA BLAKELY: Yes.

7 MR. PETER LEE: Is it not accurate? Do it
8 coincide with the bill, as far as you see? Do it
9 coincide with the bill?

10 JUDGE HAYNES: You know, if you want to walk me
11 through these documents, they can. But otherwise
12 I'm going to let the documents speak for
13 themselves.

14 MR. PETER LEE: I'll take you through them
15 because it seems like you don't understand. Maybe
16 it's they way I got them hooked up. No, let's go
17 through them.

18 JUDGE HAYNES: That would be great, because this
19 is your evidence so I want you to tell me what this
20 is.

21 MR. PETER LEE: Let's start with October '08 --
22 '07 -- let's go back to January '07. Do you have

1 that.

2 JUDGE HAYNES: I do.

3 MR. PETER LEE: Okay, now, all this been paid. I

4 had heat on this. So let's go to March 12th, '07.

5 JUDGE HAYNES: Okay.

6 MR. PETER LEE: Do you have that?

7 JUDGE HAYNES: I do.

8 MR. PETER LEE: You notice on the side, the

9 receipt, do it coincide with the bill?

10 JUDGE HAYNES: Well, you tell me.

11 MR. PETER LEE: You're looking at it.

12 JUDGE HAYNES: I'm not here to talk about your

13 document. So you have a total amount due here of

14 46.51, right?

15 MR. PETER LEE: Now, what do the receipt say on

16 the side of the bill?

17 JUDGE HAYNES: So I see that you have a payment,

18 here, I think, of 47.51, because there is a

19 convenience fee.

20 MR. PETER LEE: So that bill was paid, right?

21 Okay, that bill paid, right? Let's go to April,

22 let's go to April 10th.

1 JUDGE HAYNES: So I see that these are all your
2 bills of each month with their receipts attached.

3 MR. PETER LEE: You said you are going to let me
4 take you through it. You said you're going to let
5 me take you through it. You see the receipt on the
6 side of that?

7 JUDGE HAYNES: You talk, don't ask me questions
8 about it. Just tell me what you have here.

9 MR. PETER LEE: I'm making sure we got the same
10 page.

11 JUDGE HAYNES: I'm on your page, April 10th.

12 MR. PETER LEE: April the 10th, '07, another bill
13 with a receipt on the side, paid. May the 9th,
14 '07, another bill with a receipt on the side, paid.

15 JUDGE HAYNES: Okay.

16 MR. PETER LEE: June 8th, another bill with a
17 receipt on the side that says paid in full, paid in
18 full, all of these bills are paid in full. July
19 the 10th, paid in full. August the 8th, another
20 bill paid in full. September the 7th, '07, 2007,
21 paid in full. October the 8th, 2007, paid in full.

22 September the 26th, that's when they

1 sent me this out saying that I owed them for a
2 year, for a year, because they were under billing
3 me. They sent this out September the 26th, '07,
4 because I requested an accurate reading. They said
5 I owed them \$184 from January of '07 up until
6 September '07.

7 JUDGE HAYNES: And do you have air conditioning
8 in your apartment?

9 MR. PETER LEE: Do I have air conditioning in my
10 apartment?

11 MS. DONNA BLAKELY: No.

12 MR. PETER LEE: No, I do not have air
13 conditioning in my apartment. And they wouldn't
14 charge me for no air conditioning. It took them a
15 whole year to find out about an air conditioning?
16 Would it take a whole year?

17 They are not asking me nothing about no
18 air conditioning, they are not asking me nothing
19 about access to an apartment, they haven't made no
20 statement like that, no claim like that. They
21 can't because I asked for an accurate bill between
22 August and October of last year. There wasn't

1 nothing mentioned about no air conditioning, wasn't
2 nothing mentioned about access to the building,
3 there was nothing mentioned about that until today
4 from you.

5 JUDGE HAYNES: So the the last time that you know
6 that they came in and read your meter was when?

7 MS. DONNA BLAKELY: It was September '07.

8 JUDGE HAYNES: And the time before that, do you
9 know when that was?

10 MR. PETER LEE: Before that, they came quite
11 regularly, every other month. But I was still
12 getting estimated months.

13 JUDGE HAYNES: And you let them in at that time?

14 MR. PETER LEE: Yes, I did. They called me right
15 today, but I won't let them in today because of
16 what was pending right here.

17 JUDGE HAYNES: You probably should have let them
18 in. So last summer you let them in and you still
19 got an estimated bill?

20 MR. PETER LEE: Yes, I let them in on a regular
21 basis and I was still getting estimated bill. Like
22 I said, third time, I let them in and I was still

1 getting an estimated bill until I requested an
2 accurate bill between August -- between September
3 and October. That's when all of this came about,
4 they sent me out a statement saying I owe money for
5 a back bill, that's what this is about.

6 JUDGE HAYNES: Okay.

7 MR. PETER LEE: I don't think it's about my air
8 conditioning, I don't think it's about me letting
9 them in. Because it's not stated nowhere, no
10 document, you are going to see that.

11 JUDGE HAYNES: We've gone through all your bills
12 and then that last bill they gave you, what are
13 these first pages that you gave me? It says Com Ed
14 Activity Statement, what are these from -- where
15 are they from?

16 MR. PETER LEE: This is to show you how Com Ed
17 has messed up my account. I took you through this,
18 they are going to have to explain this because I
19 don't work there. I appreciate if you get an
20 understanding from them, how can they get transfer
21 this electric service, regular bill and then they
22 got cancel electric service after all these bills

1 that I showed you that have been paid in '07, why
2 should my account look like that? I'm glad you
3 brought that up.

4 JUDGE HAYNES: We'll let them explain that
5 document.

6 MR. PETER LEE: I'm just saying I can't explain
7 it because I don't have control over this. But as
8 you can see, isn't it kind of crazy to have my bill
9 cancel, why all these cancel and all these bills
10 been paid in full for a whole year or more? But
11 you see on my account, my account is so screwed up
12 with cancel, look at all these cancel services. I
13 didn't even know all this was on my account.

14 JUDGE HAYNES: We'll let them explain this and
15 you can ask them questions about this. So is there
16 anything else, any other documents, anything else?

17 MR. PETER LEE: I've just got one statement to
18 make. This is it, this is evidence, like I said,
19 like I said, this is what they gave us, the last
20 hearing officer, the last -- you don't have a copy
21 of this either, do you?

22 JUDGE HAYNES: I don't think so, no.

1 MR. GOLDSTEIN: That's part of our evidence.

2 MR. PETER LEE: This is the statement they gave

3 us. This isn't even a legal document -- is this a

4 legal document?

5 JUDGE HAYNES: I don't know, but if he's --

6 MR. PETER LEE: You asked me, do I have more

7 evidence, this also.

8 JUDGE HAYNES: Do you want to put that in?

9 MR. PETER LEE: Yes, I do.

10 JUDGE HAYNES: We can do that. We'll mark this

11 one Complainant's Exhibit 2, which is Peter Lee

12 Usage History.

13 MR. GOLDSTEIN: Judge, we have updated that

14 exhibit for the purposes of this hearing and it's

15 going to be marked Com Ed exhibit A.

16 JUDGE HAYNES: Well, you know, since yours is

17 different, then, apparently, since it's updated,

18 we'll have this that he got at the last time as

19 Complainant's Exhibit 2 and you can enter the

20 updated one.

21

22

1 (Whereupon, Complainant's
2 Exhibit No. 2 was
3 marked for identification
4 as of this date.)

5 JUDGE HAYNES: Okay, go ahead. This your chance
6 to say what you want to say.

7 MR. PETER LEE: Like I said -- it's all right. I
8 got a rebuttal coming, so it don't make no
9 difference so it's cool, it's all right.

10 JUDGE HAYNES: You can't do new stuff at the end,
11 so if you've got something new.

12 MR. PETER LEE: This is all I need.

13 JUDGE HAYNES: And so did you want to talk about
14 this document that we just had marked?

15 MR. PETER LEE: Yes, I did. You mean to tell me,
16 I ask you, you a judge, is this a legal document?
17 Do this coincide with anything? Is this a legal
18 document? Is this a legal document? I just want
19 to know for my own piece of mind.

20 JUDGE HAYNES: We're going to use it as evidence
21 in this case.

22 MR. PETER LEE: I'm just saying. Is this a legal

1 document?

2 JUDGE HAYNES: It depends on your definition of
3 legal document, I suppose, but we are going to use
4 it as evidence in this case, okay. And we've
5 marked this, so now I need this.

6 MS. DONNA BLAKELY: The one thing that I'm
7 asking, when they say there is a difference like
8 that, how can they go back a whole year and tell
9 you month by month what the difference is?

10 JUDGE HAYNES: You know what, the Company now is
11 going to present a witness and that's a question
12 that you are allowed to ask the witness to explain.
13 I'm not here to explain it. Is there anything
14 else?

15 MS. DONNA BLAKELY: That's it.

16 JUDGE HAYNES: And so if you want to, just so you
17 know, you are free to ask questions of the witness.
18 If you want to take notes what she talks about, but
19 only Mr. Lee. Okay, Mr. Goldstein.

20 MR. GOLDSTEIN: Yes, I have a few questions of
21 Mr. Lee.

22

1 CROSS EXAMINATION

2 BY

3 MR. GOLDSTEIN:

4 Q. Mr. Lee, when did you become a tenant at
5 709 North Cicero Avenue?

6 A. Around October 2006.

7 Q. And in October 2006 did you allow Com Ed
8 into the building to read your meter?

9 A. Sure I did. Not exactly to that month, but
10 they had to come in because there was some working
11 done on the building, not only Com Ed, but the gas
12 company, also. I had my account transferred from
13 my old address to the apartment.

14 Q. And in 2007 and so far this year, have you
15 allowed Com Ed in to the building to read your
16 meter?

17 A. Yes, I have.

18 Q. When did you do that?

19 A. The last time?

20 Q. Yes.

21 A. The last time was in August of last year,
22 August, September, they still called me right

1 today. The reason I don't let them in is because
2 of the pending situation. I usually let them on a
3 regular basis.

4 Q. So the last time you let anybody in to read
5 the meter was in September of 2007; is that right?

6 A. Somewhere along about.

7 Q. Okay.

8 JUDGE HAYNES: Do remember the date of the time
9 before that?

10 MR. PETER LEE: Did he ask me?

11 JUDGE HAYNES: I'm asking you. Before
12 September 2007 do you remember when the last time
13 was before that you let them in?

14 MR. PETER LEE: They should have a record of
15 that.

16 JUDGE HAYNES: I'm asking if you remember.

17 MR. PETER LEE: I don't recall on a regular
18 basis. We have never had no problem with them
19 getting into the building, like I keep telling you.
20 They have never had no problem getting into the
21 building, I keep saying that. They're not saying
22 that. The only person I'm hearing it from is

1 hearing officer, I keep hearing it from you. And I
2 keep telling you they have no problem getting into
3 the building. He didn't ask me that, you did. And
4 no, I don't have air conditioning.

5 BY MR. GOLDSTEIN:

6 Q. Mr. Lee, I just have one other question for
7 you. Would you be willing to make arrangements
8 with Mr. Perise, today, to have your meter read by
9 Commonwealth Edison?

10 A. I never had no problem with Com Ed until we
11 had one incident that we resolved. I have no
12 problem with the employee because they are just
13 doing their job. I have never refused them access
14 to the my meter, them, the gas company, no one. I
15 have no problem with Com Ed, this I have a problem
16 with.

17 Q. Mr. Lee, I'm going to repeat the question,
18 would you be willing today, with Mr. Perise here in
19 the hearing room, to make arrangements to have
20 Commonwealth Edison come out to 709 North Cicero
21 Avenue and have your meter read?

22 A. I don't have a problem with that. Again I

1 state I don't have a problem with it.

2 Q. What date would you be available to have
3 your meter read?

4 A. I have to check and see. When was the last
5 time you called and asked for a reading and I let
6 you in?

7 Q. We're not asking questions, I'm asking
8 questions of you. What date would be convenient
9 for you to have Commonwealth Edison come out?

10 A. You are welcome to call my home.

11 Q. No, right now, tell me what day.

12 A. I can't tell you right now because I don't
13 have a calendar in front of me. I can't tell you
14 right now. You have to call my home and we can set
15 up an appointment date.

16 Q. Are you employed, are you working?

17 A. Am I working?

18 Q. Yes.

19 A. That's my business.

20 Q. Do you have a job?

21 A. It don't have no bearing on why I'm here.

22 Q. Well, I'm trying to --

1 **A.** That's my business.

2 **Q.** I'm trying to make arrangements?

3 **A.** I told you, he can call me and we can set

4 arrangement.

5 **Q.** And if he called you at (773) 379-7176

6 tomorrow morning, would you be home so that we can

7 make arrangements to have your meter read?

8 **A.** Most likely I might be at home, most

9 likely.

10 **Q.** Is that a yes or a no? Is that yes?

11 **A.** What time did you say you're going to call?

12 **Q.** Between 9:00 and 10:00 in the morning?

13 **A.** 9:00 and what?

14 **Q.** 10:00 o'clock in the morning.

15 **A.** Yes, call and set up a meeting. He can

16 call and set up a meeting.

17 MR. GOLDSTEIN: All right, very good, I have

18 nothing else.

19 JUDGE HAYNES: At one point I thought that

20 Ms. Blakely indicated that she remembered when the

21 last time Com Ed came to the building, is that

22 true?

1 MR. PETER LEE: Your Honor, I would like to
2 answer that, I would like to answer that, since I
3 stay there. She my legal advisor, but I'm handling
4 this, this is mine. I pay the bills, I pay the
5 bills, I pay the bills. So I can answer that better
6 than she do, she don't stay there, I do. But she
7 pay the bills.

8 Now this, again, I don't understand why
9 Com Ed lawyers don't ask me no questions. Why you
10 keep on asking me questions that are totally
11 irrelevant and I find it offensive, I find it bias,
12 I find it bias, because they haven't me asked me
13 about no air conditioning, they haven't asked me
14 about having no access, you have. I find it bias
15 and I find it very offensive.

16 We had a problem with this before with
17 Judge Riley, the judge before you. You come in here
18 having a hearing and you don't have no copy of no
19 evidence that's been presented. And you having a
20 hearing, you are having a hearing you are not
21 prepared -- you wasn't even prepared for a hearing.
22 You don't know what evidence has been put in,

1 anything like that. I find this -- and you still
2 asking me questions, over and over again, that I
3 have answered at least three or four times that the
4 attorney haven't even asked. And I find it
5 straight up bias.

6 JUDGE HAYNES: This is the hearing today, so any
7 evidence -- this is the only time that evidence is
8 put in the record, today.

9 MR. PETER LEE: I understand that.

10 JUDGE HAYNES: So anything that you might have
11 given Judge Riley wasn't evidence so much as --

12 MR. PETER LEE: It was evidence.

13 JUDGE HAYNES: -- discovery that might have taken
14 place between you and the Company. But the
15 evidence is here today.

16 MR. PETER LEE: I would like to submit this in
17 the record. This right here so the court can get
18 an understanding of that. That's what happened
19 with Judge Riley, that's what happened to the whole
20 situation. Since you don't understand what's going
21 on, the court don't understand, I want you to get a
22 better understanding of that.

1 JUDGE HAYNES: I've read this. Just so the
2 record is clear, this is what you filed.

3 MR. PETER LEE: That's what I want to file for
4 the record.

5 JUDGE HAYNES: We can put it in the record again.
6 So this will be Complainant's Exhibit 3, which is
7 his request to have John Riley removed as
8 administrative law judge.

9 (Whereupon, Complainant's
10 Exhibit No. 3 was
11 marked for identification
12 as of this date.)

13 JUDGE HAYNES: Okay. And so since Mr. Goldstein
14 has said he has no more questions for you now
15 Mr. Goldstein will do his witness.

16 (Whereupon, Com Ed
17 Exhibits Nos. A, B1, B2 and C1
18 through C11 were
19 marked for identification
20 as of this date.)

21 MR. GOLDSTEIN: I would like to call Gaye
22 Gallapo.

1 GAYE GALLAPO,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. GOLDSTEIN:

7 **Q.** Ms. Gallapo, would you state your name for
8 the record again and give us your business address
9 and your position with Commonwealth Edison Company.

10 **A.** It's Gaye Gallapo, 1919 Swift Road, Oak
11 Brook, Illinois 60523 and I'm a customer relations
12 analyst.

13 JUDGE HAYNES: And I need to swear you in.

14 (Witness sworn)

15 JUDGE HAYNES: And I'm having trouble hearing
16 you. And if he has trouble hearing, he's really
17 going to have trouble. So please speak up.

18 BY MR. GOLDSTEIN:

19 **Q.** Now, could you describe, generally, what
20 you do with Commonwealth Edison Company?

21 **A.** My duties are when a customer has an
22 inquiry, my duties are basically to research the

1 account, more or less analyze the account, to
2 determine if the account was -- if there is
3 anything that was not done right on the account or
4 basically explain to the customer what happened on
5 the account, if they don't understand it.

6 Q. And as part of your duties did you become
7 familiar with the account of Peter Lee at 709 North
8 Cicero Avenue in Chicago?

9 A. Yes.

10 Q. And also as part of your duties do you have
11 access to the Company's books and records with
12 respect to Mr. Lee's electric account?

13 A. Yes.

14 Q. Let me show you what we've provided to the
15 parties as Com Ed Exhibit A. Do you have that in
16 front you have, Ms. Gallapo?

17 A. Yes.

18 Q. Could you explain what this document is?

19 A. This is Com Ed's records of the meter
20 reading history.

21 Q. And this is for the account at 709 North
22 Cicero Avenue on the second floor; is that right?

1 **A.** Yes.

2 **Q.** And it shows dates from September 9th, 2003
3 to May 7th, 2008; is that correct?

4 **A.** Yes.

5 **Q.** And could you walk us through, starting
6 with the column that says source and walk us
7 through. And what does it mean when it shows
8 regular company under that column?

9 **A.** For source, regular company is an actual
10 reading. That means the meter reader physically
11 went out there and read the meter.

12 **Q.** And when it says work reading, what does
13 that mean?

14 **A.** That is when a technician has gone out and
15 they either went out -- they went out there for
16 some sort of field visit. And any time a
17 technician goes out there, they will record a
18 reading as well.

19 **Q.** And there is also certain items on this
20 source column that says estimate reading. What
21 does that refer to?

22 **A.** That means the billing was estimated

1 because the meter reader, for whatever reason, was
2 not able to obtain a reading.

3 Q. And there is also, as part of this source
4 column, certain -- on certain dates, the term
5 forced estimate is shown, what does that mean?

6 A. A forced estimate means that the system
7 just forced the estimate because there was no
8 actual recording.

9 Q. And on what basis, looking at the next
10 column, which is GS total KW, what does that column
11 mean?

12 A. That is the reading, whether it be the
13 estimated reading or the actual reading, that is
14 the reading that we're going to use for billing
15 purposes.

16 Q. Now, when the company is unable to get an
17 actual reading, how does it estimate usage for
18 Mr. Lee at 709 North Cicero Avenue?

19 A. The system will automatically estimate.
20 When it does that it does take into consideration
21 what the usage was from the month prior. It also
22 takes into consideration for the same time period

1 as the previous year.

2 Q. And so there is some historical basis upon
3 which Commonwealth Edison will bill a customer when
4 it is unable to get an actual reading of a
5 customer's meter; is that right?

6 A. Yes.

7 Q. And there is a column here that shows
8 status. And some of the statements on there shows
9 Com Ed do not bill. What does that refer to?

10 A. Do not bill, in this particular instance,
11 this was a special company read, which is September
12 the 17th of 2007, which was the last actual reading
13 that we were able to obtain. And at that time,
14 that was off of the billing cycle, so the system
15 was not able to bill it. So that's why it has the
16 do not bill.

17 Q. Now, with respect to Com Ed exhibit A, this
18 is an exhibit that was prepared from the books and
19 records of Commonwealth Edison; is that right?

20 A. Yes.

21 Q. And those books and records are kept in the
22 ordinary course of Commonwealth Edison Company's

1 business; is that right?

2 A. Yes.

3 Q. Let's now turn to Com Ed Exhibit B, which
4 consists of Exhibit B1 and B2. The title of this
5 exhibit is Com Ed Account Activity Statement. And
6 this is the activity statement for Mr. Lee's
7 electric account at 709 North Cicero Avenue, Unit
8 2; is that right?

9 A. Yes.

10 Q. And this shows the various bills that were
11 provided to Mr. Lee for electric service at the 709
12 North Cicero Avenue address; is that right?

13 A. Yes.

14 Q. Now, could you explain, looking at the
15 bottom of the page, noted as Exhibit B1, there are
16 a series of bills that are dated September 26th,
17 2007. What do those bills refer to?

18 A. Those bills are the rebill for estimated
19 bills, based on the actual usage from the reading
20 that we obtain in September. Basically what it
21 was, from January the 9th, through to September the
22 6th, we billed using the average daily usage from

1 one actual reading to the other.

2 Q. And when the company made an actual reading
3 of Mr. Lee's bill on September 26th, 2007, explain
4 what occurred at the Company for billing purposes.

5 A. The actual reading was September 17th of
6 2007. So in order to bill him for the actual
7 usage, we had to go back to January the 9th of
8 2007, and cancel 8 bills. We subtracted the actual
9 reading from the previous actual, we divided that
10 by the number of days that were involved. We came
11 up with the average daily usage. And then rebilled
12 each of those months, with the average daily usage.
13 And the reason for that is because if we had --
14 basically that's called a catch up bill. When we
15 have so many estimates in a row, we get an actual
16 reading, we need to catch them up on what usage
17 actually occurred. If we would have just given him
18 a one lump sum bill, he would not have had the
19 advantage of the different rates during the
20 different billing periods, which is the summer and
21 winter rate, so the average daily is spread amongst
22 the months between January the 9th and September.

1 JUDGE HAYNES: Is September a summer rate?

2 THE WITNESS: Yes, it is.

3 BY MR. GOLDSTEIN:

4 Q. For purposes of the record, Ms. Gallapo,
5 can you explain when the summer rates are in effect
6 and when the winter rates are in effect?

7 A. The summer rates go into effect -- it would
8 have gone into effect with the billing that was
9 from May the 8th to June the 7th. And it is for,
10 including that month, 4 months.

11 Q. And the rest of the time the Company bills
12 at the winter rate?

13 A. That is correct.

14 Q. Now, looking at Exhibit B2, and I think
15 this is the point that Mr. Lee made with respect to
16 his testimony, at least one of his points, is there
17 an outstanding balance owed by Mr. Lee on his
18 electric account?

19 A. At the time?

20 Q. At the time of September -- let's start
21 with September 26th, 2007.

22 A. Yes, that outstanding balance was 184.89.

1 **Q.** And could you explain, again, how Com Ed
2 arrived at that balance due as of that date?

3 **A.** What would -- that balance is the
4 difference between the rebilling amount and all of
5 the payments that he had made for the canceled
6 bills. So it would be the difference between the
7 debit and the credit of the bills that he had paid.

8 **Q.** And most of that bill for \$184.89 was paid
9 under a LIHEAT payment; is that correct?

10 **A.** Yes.

11 **Q.** And as of the latest Com Ed electric bill
12 to Mr. Lee, what is his balance due?

13 **A.** According to this statement, I'm showing
14 that the last billed amount was 37.28. If that
15 payment has been received, it's not reflecting on
16 the statement, so that balance, according to this
17 statement is still outstanding.

18 **Q.** So if he were to pay that amount, prior to
19 May 30th of this year, his account would be
20 current, would it not?

21 **A.** That is correct.

22 **Q.** Let's now turn to -- by the way, with

1 respect to the Com Ed account activity statement of
2 Mr. Lee, Com Ed Exhibits B1 and B2, this
3 information is taken from the books and records of
4 Commonwealth Edison, is it not?

5 **A.** Yes.

6 **Q.** And it's kept in the ordinary course of Com
7 Ed's business; is that right?

8 **A.** Yes.

9 **Q.** Let's now turn to Com Ed Exhibit 3, which
10 consists of 11 pages. Do you see that?

11 **A.** Yes.

12 **Q.** Could you explain what Com Ed Exhibit 3, C1
13 through C11 is?

14 **A.** These are copies of the contact that is
15 noted on the account, based on phone calls or
16 notations that a Com Ed representative will put on
17 the account.

18 **Q.** Basically it's a summary of the
19 conversation that would have taken place between
20 the customer and the representative.

21 **Q.** And does Commonwealth Edison Company --
22 this is what we call a screen print, is it not?

1 **A.** Yes, it is.

2 **Q.** And it's taken from the Company's actual

3 books and records, is it not?

4 **A.** Yes.

5 **Q.** And it's kept in the Company's ordinary

6 course of business?

7 **A.** Yes.

8 **Q.** And with respect to all of Com Ed's

9 electric accounts, these screen prints are part of

10 a particular customer's records, is it not?

11 **A.** Yes.

12 **Q.** And with respect to every customer,

13 including Mr. Lee, the comments that are shown in

14 each one of the boxes, C1 through C11, are comments

15 that would ordinarily be kept as taken by the

16 various service representatives of Com Ed in

17 discussing various problems with a particular

18 customer?

19 **A.** Yes.

20 **Q.** Would that be accurate?

21 **A.** Yes.

22 **Q.** Is there anything you would like to point

1 out with respect to what is shown on Exhibits C1
2 through C11 with respect to Mr. Lee's account?

3 A. I'm not sure, are you asking me to read
4 them.

5 Q. Is there anything you can see with respect
6 to the various comments made by various service
7 representatives, as shown on these exhibits, these
8 group exhibits C1 through C11, with respect to Com
9 Ed being able to gain access to the building at 709
10 North Cicero Avenue, in order to read Mr. Lee's
11 electric meter.

12 A. On Exhibit C3 there is a comment that meter
13 reading contacted Mr. Lee several times to arrange
14 access and Mr. Lee refused to allow access. And
15 that would result in an estimated bill.

16 Q. And was Mr. Lee informed of that?

17 A. Yes, he would have been informed of that.

18 Q. Is there anything else that you would like
19 to point out with respect to Com Ed Exhibits C1
20 through C11? Is there anything else that you would
21 like to comment with respect to these exhibits?

22 A. As far as -- on October the 29th we

1 attempted to get access to the meter.

2 Q. Which year is that?

3 A. I'm sorry, 2007, Exhibit C4. And corporate
4 security was also there, we were trying to gain
5 access to the meter.

6 Q. And was Com Ed successful in obtaining
7 access to the meter?

8 A. At that time, no.

9 Q. Now, with respect to Respondent's Exhibit
10 C1 through C11, these are screen prints taken from
11 the Company's books and records, are they not?

12 A. Yes.

13 Q. And they are kept in Commonwealth Edison
14 Company's ordinary course of business; is that
15 right?

16 A. Yes.

17 Q. Now, just for the record again, so it's
18 clear, could you explain how Com Ed makes estimated
19 readings, particularly with respect to Mr. Lee's
20 account? Perhaps you could walk us through how the
21 estimating process works.

22 A. Generally what happens when we are trying

1 to bill a customer is we will use a regular
2 reading, which is an actual reading first. If the
3 customer calls in a reading, we would use that
4 second. And the last resort is to estimate.

5 And when we do estimate, the system will
6 calculate using the previous usage from the month
7 prior and then it will also take into consideration
8 what the usage was for the same time period the
9 previous year.

10 Q. And if the Company does not have a previous
11 month's actual reading, would I be correct in
12 saying that they would -- the Company would look to
13 a previous comparable time period in the prior
14 year?

15 A. No. What they would do is they would
16 take -- they would just use the previous months.
17 They would not, because if they were to go to the
18 previous year, it's not based on that customer's
19 usage, so they would just take into consideration
20 the previous month.

21 Q. Going back to Com Ed Exhibit A, there is an
22 indication there that there are a group of actual

1 regular company readings for a time period. Do you
2 have any comment with respect to that for the
3 account at 709 North Cicero Avenue, Unit 2?

4 **A.** As far as the Exhibit A, the meter reading
5 history, from September of 2003 through to June
6 of 2006, we were able to get all actual readings.
7 Mr. Lee's service started with us in September
8 of 2006, it did begin with regular reads, but from
9 that point forward it was pretty much estimated.

10 JUDGE HAYNES: So this Exhibit A isn't all his
11 usage history, it's the meter's history?

12 THE WITNESS: Right, September the 26th --
13 excuse me, September the 29th of 2006, service
14 activation. And if you go to the far right, his
15 account number ending in 119, which is the same as
16 the account number at the top of the page, is what
17 starts his history going up.

18 JUDGE HAYNES: Are you done, Mr. Goldstein.

19 MR. GOLDSTEIN: I have nothing else. I would
20 move into evidence, Com Ed Exhibits A, B1 and B2
21 and Exhibits C1 through C11.

22 JUDGE HAYNES: Then Com Ed Exhibits A, B and C.

1 Did you have an objection to these
2 exhibits being admitted into the record?

3 MR. PETER LEE: Say what?

4 JUDGE HAYNES: Do you object to these exhibits
5 being admitted into the record?

6 MR. PETER LEE: Yes, I do. I do.

7 JUDGE HAYNES: And would you like to state a
8 reason?

9 MR. PETER LEE: Because they are not accurate,
10 they are deceptive, because they don't coincide
11 with the bills and evidence that I have. That's
12 it. They don't coincide with the evidence I have.

13 JUDGE HAYNES: Okay. You know, I'm going to let
14 these into the record, and you will have an
15 opportunity to ask questions of the witness about
16 them and you can point out where you see any
17 inaccuracies. But we will admit Com Ed Exhibits A,
18 B and C into the record.

19 (Whereupon, Com Ed
20 Exhibits Nos. A, B1, B2 and C1
21 through C11 were admitted into
22 evidence as of this date.)

1 JUDGE HAYNES: And now, I don't think that, since
2 we're doing exhibits, Mr. Lee's, I don't think were
3 moved into the record. Does the Company have an
4 objection to admitting A, actually, I think they
5 are 1, 2 and 3 into the record. One is the group
6 of documents, 2 is the not updated usage history,
7 it only goes through November of '07.

8 MR. GOLDSTEIN: And three was what, Judge?

9 JUDGE HAYNES: Three is his request to change
10 administrative law judges.

11 MR. GOLDSTEIN: I have no objection to those
12 exhibits being admitted.

13 JUDGE HAYNES: Then Complainant's Exhibits 1, 2
14 and 3 are admitted into the record.

15 (Whereupon, Complainant's
16 Exhibits Nos. 1, 2 and 3 were
17 admitted into evidence as
18 of this date.)

19 JUDGE HAYNES: And before Mr. Lee asks questions,
20 I have a couple.

21

22

1 EXAMINATION

2 BY

3 JUDGE HAYNES:

4 Q. I know that Mr. Goldstein asked you what a
5 forced estimate was and an estimated reading, but
6 I'm not getting it. Why is one forced -- what is
7 the difference between a forced estimate and just
8 an estimate reading?

9 A. You know, I'm not exactly sure -- well,
10 actually, no, I take that back. The forced
11 estimate is the original estimate that was forced,
12 because there was no -- they couldn't take the
13 actual, because it wasn't available. There was no
14 customer read available so it forced an estimate.
15 The estimate is the rebilled based on the average
16 daily usage that was calculated between the two
17 company reads.

18 Q. So in the same day, though, the Company
19 did --

20 A. No, what actually -- the forced estimate is
21 the original billing that went out and that was
22 canceled and then rebilled on September the 26th of

1 '07?

2 Q. So the forced estimate is the bills he was
3 paying and the estimate reading was what you went
4 back and recalculated?

5 A. That's correct.

6 Q. And so my next question is why the forced
7 estimate is canceled, but I think I understand now.
8 And so then on Exhibit B, does this exhibit show
9 Mr. Lee paying all his bills that were sent to him?

10 A. There is a credit amount column and when
11 you and Mr. Lee were going over and he was saying
12 the bills where he had the receipts, those payments
13 are reflected here for the March of '07 bill, we
14 received the payment of 46.51. For the April
15 of '07 bill, we received the 49.97 and so on.

16 Q. So does he ever have a past due balance
17 going through here?

18 A. The only time you would really see -- the
19 balance forward, that column would be the past due
20 balance going forward. So on an average, no, he
21 doesn't have much. Every once in a while he may
22 have had a bill issued before the payment came in.

1 **Q.** And so what you're saying is that he got
2 that big bill of 184, that was the rebill, because
3 he finally had an accurate reading, but that's
4 mostly been paid by LIHEAP?

5 **A.** That 184.89 balance, the next payment that
6 we received was 55.06, which was his bill from --
7 that was issued on September the 7th, that was the
8 bill amount. But the payment that was credited
9 October the 5th, for LIHEAP, for 128, the majority
10 of that, if you subtract that, the difference is
11 what he would have actually owed then at that
12 point. So LIHEAP paid the majority of that 184.89.

13 **Q.** And since that LIHEAP payment, does it show
14 him keeping up on his bills?

15 **A.** Yes, it does.

16 **Q.** So really he just has his current bill is
17 what he's behind on?

18 **A.** Well, it's not due until May the 30th, but
19 that's his only balance due is his current bill.

20 **Q.** So he's not even behind. And my last
21 question was, this Exhibit C shows all the stuff
22 that happened after this complaint was filed. But

1 are there any records from before this that you're
2 aware of that showed the company being denied
3 access?

4 **A.** That I can't answer, because I don't have
5 the records in front of me.

6 **Q.** Would the Company keep that sort of record?

7 **A.** That would depend if the meter reader went
8 out in the field, he would just record, you know,
9 that it would be estimated, if he didn't get a
10 reading. The only way that it would be recorded in
11 the contacts would be is if the customer had
12 contact with one of the service representatives.

13 **Q.** All right, so I'm not sure I got that.

14 **A.** These contacts, the Exhibit C's, these are
15 basically a summary of what contact was made
16 between the customer and the customer service
17 representative. So if a person is out in the field
18 and they don't get access, the only way that's
19 going to be reflected is through the meter reading
20 history.

21 JUDGE HAYNES: Okay. I think those are all my
22 questions. Do you have questions for the witness?

1 CROSS EXAMINATION

2 BY

3 MR. PETER LEE:

4 Q. Sure, I do. Before I filed a complaint in
5 '07, was there any confrontation between me and Com
6 Ed? Do you have any type of documentation?

7 A. I can't answer that, I don't have the
8 records with me.

9 Q. But you work for them, you have the rest --
10 I don't understand that, I don't understand how
11 could you have part of the records and not other.
12 Was there any -- I'll do it like this, okay.

13 You don't have the record of any
14 confrontation or me talking to customer service
15 until after I filed for accurate bill, you don't
16 have no record of that. Do you have any type of
17 record?

18 A. I do not have that record with me.

19 Q. Huh?

20 A. I do not have that type of record with me.
21 I have what I have in front of me is the records
22 that I have with me today.

1 **Q.** But don't you have that for a year? Ever
2 since October '06, obviously there should be
3 something in there from October of '06 until the
4 end of the '07, you have nothing? No more than
5 after I filed a grievance with Illinois Commerce,
6 then you come in with statements and documents.

7 JUDGE HAYNES: I think the witness has indicated
8 that that's all she has is what she has brought
9 with her today.

10 MR. PETER LEE: Well, your Honor, you asked me
11 the same question four and five times I only asked
12 her that twice.

13 BY MR. PETER LEE:.

14 **Q.** Do you have any knowledge of me being
15 behind in my bill? Do I owe Com Ed? Have I ever
16 been behind in my bill?

17 **A.** You currently are not behind in your bill.
18 And during the period from -- if you're looking at
19 Exhibit B1, during the period from December 7th of
20 '06 there was a period where there was two payments
21 missed. And I see that a LIHEAP payment then
22 covered that, so you may have been waiting for

1 that. But there was a period of past due bills at
2 that time, yes.

3 Q. So I have been diligent with my bill. I
4 have been paying my bill regular to Com Ed as far
5 as your records show?

6 A. Yes.

7 Q. Okay. Now, this, this you said a regular
8 bill is when they come out and read the meter,
9 right, a regular company, right?

10 A. Yes.

11 Q. I have 5/8/2007, it says regular company?

12 A. Yes, it does.

13 Q. That means the meter reader did come inside
14 my house, but still I still got estimated bill,
15 why?

16 A. They would have need a second reading to
17 confirm that that reading was accurate.

18 JUDGE HAYNES: What? I'm sorry, go ahead.

19 THE WITNESS: Basically when we're estimating an
20 account and the account is going to be rebilled, we
21 do confirm the accuracy of that reading before we
22 will rebill it.

1 BY MR. PETER LEE:

2 Q. Again, I ask you, again I ask you the same
3 question not the same question, but I ask you like
4 this, why would they even submit that, like you
5 just said, for another estimate, when it didn't
6 start until after August or September, after I
7 filed with Illinois Commerce? That's when all the
8 estimate stuff started.

9 A. The estimates were billing long before
10 that, Mr. Lee. The estimated bill started with the
11 reading, the billing period of January the 9th,
12 2007 to February the 8th of 2007.

13 EXAMINATION

14 BY

15 JUDGE HAYNES:

16 Q. So just to follow up, because I'm confused.
17 So you had a regular -- they had a regular company
18 read for 75585?

19 A. Um-hmm.

20 Q. On May 8th?

21 A. Right.

22 Q. And then his next bill was for 75068?

1 **A.** Yes. That was the canceled reading.

2 **Q.** But that's what he was sent a bill based on

3 this estimate of 75068?

4 **A.** Right.

5 MR. GOLDSTEIN: Is your question why was he

6 billed at the 76105 usage rate?

7 JUDGE HAYNES: No, the forced estimate. So just

8 so I'm clear here, the company read it and then did

9 an estimate and that's normal practice?

10 THE WITNESS: No, they -- you know what, it

11 appears to be, based on the usage it is the average

12 daily kilowatt usage bill.

13 BY JUDGE HAYNES:

14 **Q.** What is the average daily kilowatt bill?

15 **A.** The average kilowatt usage billed was 17.33

16 kilowatt hours a day, so it would have been 17

17 kilowatt hours.

18 **Q.** You mean the forced estimate that was sent

19 on June 7th?

20 **A.** Well, no, the forced estimate was the

21 original estimate. The next estimate reading on

22 June the 7th was average daily usage. But the

1 regular company reading, I believe that to be that
2 when they were rebilling they may have dropped down
3 and hit the wrong drop down. Because it is
4 502 kilowatt hours, if you were to calculate the
5 number of days and multiply it by 17 it would be
6 the 502 kilowatt hours billed. Because when
7 they're rebilling, they have a drop down box.

8 Q. So what you're saying is that you think the
9 thing that says regular company reading on May 8th?

10 A. I think that probably should have been
11 selected as estimated reading. Because, like I
12 said, the usage is the average daily that was used
13 to calculate the actual

14 CONTINUED CROSS EXAMINATION

15 BY

16 MR. PETER LEE:

17 Q. So my question is this, why am I still
18 getting estimated bills since you know how much
19 wattage and usage I use?

20 A. Mr. Lee --

21 Q. Excuse me, you didn't let me finish my
22 question, can I finish my question? Why am I

1 still, as of today, still getting estimated bills
2 that I never received an accurate bill within that
3 year time? All these bills are estimated. All
4 these bills are paid and estimated, how do you
5 explain that?

6 **A.** Well, I'm not clear on what you're asking
7 me.

8 **Q.** Even though the meter reader came out and
9 gave an accurate report, all of these bills are
10 still estimated. And right today, the bill I owe
11 today, is still estimated. How is that when you've
12 got all this knowledge?

13 **A.** The first point is, the reason that you're
14 receiving accurate bills -- or excuse me, estimated
15 bills as of September 17th is you, yourself, said,
16 you are not allowing the Company access. The bills
17 previous to that are estimated based on actual
18 usage. It is not the actual reading that you're
19 being billed with, you are being billed with the
20 average daily that occurred between one reading and
21 another reading, so it's not actual readings that
22 are being used, they have to be noted as estimated.

1 But we are using the average daily usage between
2 two actual readings.

3 Q. It sounded good, except for one thing,
4 though, you still haven't answered why there is no
5 actual bill with the meter reading coming out. It
6 sound good, but there is nothing coincide with
7 this, nothing.

8 A. Nothing coincides, what do you have a
9 question on?

10 Q. How many times have the meter reader come
11 out to my house, do you know?

12 A. According to the records here --

13 Q. Have access to my apartment?

14 A. According to the records here they were out
15 on October the 6th of 2006, November the 6th of
16 2006, December 7th of 2006 and then September the
17 17th of 2007.

18 Q. So they never came out other than that, why
19 is this forced -- why does it say actual reading on
20 May the 8th, 2007, then?

21 A. I just explained that.

22 Q. You said they didn't come out until

1 September '07.

2 **A.** I understand that. However, that was the
3 rebill that should have said estimated reading
4 because it was billed with the 502 kilowatt hours,
5 which is the average daily usage that is not an
6 actual reading.

7 **Q.** But it doesn't say rebill on mine, all my
8 bills are accurate. I don't see a rebill anywhere.
9 How can a person use the same wattage? There is
10 not too much difference in the amount that Com Ed
11 is charging. How can a person use the same wattage
12 which just a few pennies less?

13 **A.** Because we're doing average daily usage.
14 So what it is, if you have a 31-day period we're
15 multiplying it by that 17 kilowatt hours per day.
16 If you have a 30-day period we are multiplying it
17 by the 17 kilowatt hours per day. So there is not
18 going to be much difference between a 31-day bill
19 and a 30-day bill.

20 **Q.** You say the only time the meter reader came
21 out -- you say he came out, but you are going to
22 reissue another bill, right? Do it say anywhere

1 where you reissue a bill on these bills I received,
2 it says cancel down here on one of my forms say
3 cancel, but I never receive a cancelation. You say
4 you changed your mind about sending out a
5 cancelation. Why did I never receive one of them?
6 You have all these cancelation on my account, yet I
7 never received one, can you explain that?

8 **A.** The cancelation, sir, is when you received
9 the bills. It doesn't actually say canceled on
10 there, it will show you the billing period. That's
11 the activity statement, sir, you were asking about
12 the bills. On the activity statement it will show
13 you which ones are canceled.

14 **Q.** Com Ed Exhibit B?

15 **A.** Yes, Exhibit B1.

16 JUDGE HAYNES: Just to butt in here, I think
17 you're wondering when you got notice of this
18 happening. I think that that's the bill he got in
19 September of '07 that showed the changes over the
20 period. I think that's when they told you they had
21 rebilled everything.

22 MR. PETER LEE: They told -- yes, they told me

1 '07 they had rebilled everything. But if they can
2 rebill everything, maybe you can help me
3 understand, why am I still getting estimated bills
4 if they have all this knowledge and technology?
5 Why haven't I received an accurate bill yet?

6 JUDGE HAYNES: I don't want to argue with you. I
7 think I remember you saying you weren't letting
8 them in the building since you filed the complaint.

9 MR. PETER LEE: Even before then they came out.
10 I still haven't received an accurate bill. I don't
11 have no actual bill.

12 JUDGE HAYNES: I have a question.

13 MR. PETER LEE: Within a year time there is no
14 actual bill, none.

15 JUDGE HAYNES: Mr. Lee, only -- the Company is
16 only asking -- your only outstanding balance is \$37
17 and LIHEAP has paid this large bill that you got
18 for 184. So what are you looking for here today?

19 MR. PETER LEE: If you don't know, I don't need
20 to explain it to you.

21 JUDGE HAYNES: Seriously.

22 MR. PETER LEE: The truth, the truth, the truth.

1 Justice. I'm tired of lies, I'm tired of lies. I
2 don't care who paid it. A lie is a lie.

3 JUDGE HAYNES: Are you looking for getting an
4 actual read on your meter?

5 MR. PETER LEE: I'm not looking for no actual
6 read. I want it put back on my account, that's
7 what I want, in case you don't understand that.
8 Put it back on my account.

9 JUDGE HAYNES: So how much money?

10 MR. PETER LEE: \$128, put it back, credit to my
11 account, put it back on my account.

12 JUDGE HAYNES: And then LIHEAP -- would LIHEAP
13 get the money, LIHEAP paid it?

14 MR. PETER LEE: That's not your business, that's
15 our business. You have nothing to do with LIHEAP.
16 You have nothing to do with that. That's my
17 business. Anything outside of Com Ed, that's my
18 personal business. You have nothing to do with
19 that, nothing.

20 Now you got a right to ask me about Com
21 Ed or something like that, but whatever come to my
22 finance like that, that's my business.

1 JUDGE HAYNES: And I'm just trying to figure out
2 exactly what you want here, so you want --

3 MR. PETER LEE: I want my money back that, simple
4 enough.

5 MR. GOLDSTEIN: Let me ask Mr. Lee a question.
6 We have to go off the record for this.

7 MR. PETER LEE: Your Honor, I wasn't through
8 talking. You were asking me a question, I wasn't
9 through talking. And we were in the middle of
10 conversing.

11 What's so hard to understand, I got to
12 repeat myself to you four or five times when they
13 don't? I want my money back. You ask me where it
14 goes, that's none of your business, that's my
15 business. Either I am entitled to it or not.

16 JUDGE HAYNES: And my only confusion is because
17 LIHEAP has paid it, I didn't know if you wanted
18 LIHEAP credited.

19 MR. PETER LEE: I want it credited back to my
20 account, I want it put back because I had to pay
21 for it out of my money.

22 JUDGE HAYNES: So Mr. Lee, I think that Mr.

1 Goldstein wants to offer you a settlement, but he
2 doesn't want to do it with the court reporter
3 recording it. Do you mind if we go off the record
4 while he makes this offer to you?

5 MR. PETER LEE: I don't mind.

6 (Discussion off the record.)

7 JUDGE HAYNES: I've been handed something by
8 Mr. Parise that says Joint Stipulation to Dismiss
9 With Prejudice and it's signed by Mr. Peter Lee and
10 Mr. Goldstein. I can't take this and file it.

11 MR. GOLDSTEIN: I will be filing it with your
12 chief clerk, Judge. And you would get the notice
13 of the filing as well as Mr. Lee. I will do that
14 either today or tomorrow.

15 JUDGE HAYNES: Okay. Then since this has all
16 been resolved, then I will close the record and
17 mark it heard and taken.

18

19 HEARD AND TAKEN

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